

VENTURA COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 4030**

ADOPTED: 06/05/97

CLASSIFICATION: Personnel

REVISED:

SUBJECT: Complaints Concerning Discrimination in Employment

The Superintendent designates the following person as Coordinator for Nondiscrimination in Employment: Director of Human Resources

The following procedures shall be followed when an employee has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in VCOE's nondiscrimination policies.

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times VCOE determines as least likely to interfere with school schedules and department operations.
5. For the protection of the complainant and VCOE, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a confidential formal complaint file maintained by the Director of Human Resources.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.

8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If VCOE fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Level I

The complainant shall first meet informally with the administrator where the allegedly discriminatory act occurred. A complaint regarding discrimination away from a work site should be discussed informally with an administrator selected by the Superintendent. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the administrator shall prepare, within ten working days, a written summary of his/her meeting(s) with the complainant. This report shall be available if requested by the nondiscrimination coordinator.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the VCOE nondiscrimination coordinator within ten days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

1. The complainant's signature or that of his/her representative.
2. The complainant's name, address and telephone number.
3. The name and address of the employee who committed the alleged violation.
4. A description of the allegedly discriminatory act(s) or omission(s).
5. The discriminatory basis alleged.
6. A specific description of the time, place, nature, participants in and witnesses to the alleged violation.
7. Other pertinent information which may assist in investigating and resolving the complaint.

The nondiscrimination coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complainant in writing within ten working days.

The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the coordinator may designate up to ten additional working days for investigation of the complaint.

Level III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Superintendent or designee within ten days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from staff. If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to ten additional working days for such investigation and shall respond to the complainant in writing within ten days of completing the investigation.

Other Remedies

Complainants may appeal the Superintendent's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with VCOE's nondiscrimination complaint procedures and included in any related notices.

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE VII, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

SECTION 504, REHABILITATION ACT OF 1973

AGE DISCRIMINATION ACT OF 1975

AMERICANS WITH DISABILITIES ACT